



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/743,952 Confirmation No.: 9584  
Applicants: Jean-Louis Henri Dasseux  
Filed: December 24, 2003  
TC/A.U.: 1625  
Examiner: Charanjit Aulakh  
Docket No.: 10173-111-999 (PC20608B)  
Customer No.: 28880  
Title: KETONE COMPOUNDS AND COMPOSITIONS FOR  
CHOLESTEROL MANAGEMENT AND RELATED USES

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR  
PRIORITY UNDER 37 C.F.R. §1.78**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.78, Applicants respectfully request acceptance of an unintentionally delayed claim for the benefit of prior-filed application under 37 C.F.R. § 1.20.

Applicants respectfully submit that the benefit claim made upon filing the application inadvertently failed to identify all of the prior applications and the relationship between each application to have the benefit of the filing date of the first filed application. The above-identified application was filed December 24, 2003, claiming "[t]his is a continuation-in-part of application no. 09/976,938, filed on October 11, 2001" Applicants' proper benefit claim should read as follows: "This application is a continuation-in-part of application U.S. Ser. No. 09/976,938, filed on October 11, 2001,

now U.S. Pat. No. 6,699,910, which claims benefit of U.S. Ser. No. 60/239,232, filed on October 11, 2000, both of which are hereby incorporated by reference.” Applicants learned of this inadvertent error in the benefit claim when preparing a response to the Office Action mailed October 31, 2005.

In the accompanying letter from Dean Fenelli of Pennie & Edmonds dated December 24, 2003, applicant’s representative mistakenly named this application a “continuation” but validly incorporated the parent application U.S. Patent Application No. 09/976,938 by referenced. Similarly, the parent validly incorporated by reference the provisional application U.S. Patent Application No. 60/239,232. Therefore, there is sufficient basis to amend the specification to include the incorporation of each application.

The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Applicants hereby petition to accept the unintentionally delayed claim for priority under 37 C.F.R. § 1.78. If this petition is accepted, Applicants respectfully request that the specification of the above-identified application be amended to reflect the proper benefit claim, as provided in the accompanying Amendment and Response under 37 C.F.R §1.111.

Applicants believe the fee for this Petition is \$1,370.00 and request that the fee be charged to Deposit Account 23-0455. The Commissioner is authorized to charge the petition fee, and any other required fees or credit any overpayment to Deposit Account No. 23-0455.

Dated: 23 February 2006



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